

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38074 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- SINDHIYA District- Samastipur

Harihar Jha @ Harihar Kumar Jha S/O Prabhakar Jha R/O Village- Wari, P.S-
Singhiya, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sada Nand Roy, Advocate

For the State : Mr. Upendra Kumar, APP

For the Informant : Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 08-10-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. The petitioner seeks bail, apprehending his arrest,
in connection with Singhiya P.S. Case No. 07 of 2025, dated
12.01.2025, registered for the offences punishable under
Sections 336(3), 338, 340(2), 316(2) and 3(5) of B.N.S., 2023.

3. As per allegation, 10 dhur land bearing Khata No.
88, Khesra No. 2737 situated in the village-Bari was purchased
from the accused persons including the petitioner, namely,
Prabhakhar Jha, Harihar Jha and Manori Devi for Rs.6,00,000/-
and that land was sold by the accused persons including the
petitioner by showing forged documents. When informant



started constructing house over the land, the Circle Officer objected to the construction of the house saying that land belongs to the Government.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the sale deed has been executed by co-accused/Prabhakhar Jha and not by the petitioner and in the sale deed, petitioner has clearly mentioned the basis of the title to the property by referring to Title Case No. 1683 of 1987 passed under Section 106 B.T. Act by the Court of U.S.P. Singh and hence, there is no concealment of any fact. He also annexed a copy of the order of the said title case.

5. However, learned counsel for the informant as well as learned APP for the state opposed the prayer of the petitioner for bail submitting that he has also involved in transaction, because he was also party to the negotiation for the sale. They further submit that petitioner has concealed one criminal antecedent because he has shown only one criminal antecedent, whereas he has one additional criminal antecedent by way of Sindhiya P.S. Case No. 88 of 2023 dated 29.04.2023, registered for the offences punishable under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code.



6. However, learned counsel for the petitioner submits that there is no such antecedent of the petitioner. He has only one criminal antecedent bearing Mahila P.S. Case No. 38 of 2019, which has already been mentioned in the bail petition.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

8. Considering the fact that petitioner has not executed the sale deed, nor any part of the consideration amount has been paid in the account of the petitioner, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Singhiya P.S. Case No. 07 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other than the disclosed one, learned court below shall cancel the bail



bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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